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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003134

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SUBJECT: WOMEN'S RIGHTS AND RELIGIOUS FREEDOM IN THE  
CONSTITUTION - CHRISTIAN TNA MEMBER'S VIEWPOINT

REF: BAGHDAD 3055

Classified By: POLITICAL COUNSELOR ROBERT FORD.  
REASONS 1.4(B) AND (D).

1. (C) SUMMARY. TNA member and Chaldean Christian Wijdan Salim told PolOff on July 28 that Iraqi women are generally not far apart in the debate on most issues relating to women's rights and the draft constitution. The biggest point of contention, said Salim, is proposed language that would require the regulation of personal status in accordance with an individual's religion and/or sect. According to Salim, such language has not been included in recent draft text, but key players in the constitutional debate, as well as some conservative women, are still pushing hard to include such a provision in the final text. She appeared far less concerned about the role of Sharia' in the constitution than about the inclusion of language regarding the personal conduct code. Salim noted what appears to be trend toward moderation -- even among some conservative women -- and pointed to strong USG engagement on this issue as critical to ensuring there is no erosion in women's rights. Salim stated that federalism is the biggest unresolved issue in the constitutional debate and expressed confidence in draft provisions addressing freedom of religion. Salim's assessment of the constitutional drafting process was certainly more positive than it has been in past discussions. We are capitalizing on the hints of progress on women's rights to press Iraqi drafters hard on protecting the rights women currently enjoy. END SUMMARY.

2. (C) TNA member and Chaldean Christian Wijdan Salim (Allawi list) told PolOff on July 28 that women are mostly in agreement on how to protect women's rights in the draft constitution. There is some disagreement -- such as in what section a quota requirement for female TNA representation should be placed, whether there should be limits to the duration of any quota requirement, and how international conventions on human rights should best be addressed. However, the most contentious issue is whether to include an article, as appeared in earlier proposed language (reftel), regulating the personal status of an individual according to his or her religion and/or sect.

3. (C) As with many women -- secular, non-Muslim, liberal, and conservative alike -- Salim told PolOff that she considers the provisions of the current Personal Status Law No. 188 of 1959 to be advantageous to women in many respects. She specifically noted child custody and support as an example. The movement afoot to insert language into the draft constitution requiring the regulation of personal status according to an individual's religion or sect, she said, would be a step back from the rights women currently enjoy. Language on the personal status code has not appeared in recent versions of the draft -- a good step, she said. However, while constitution and conservative women have somewhat toned down their language on the role of Shari'a, the issue is alive and well. Key players in the constitutional debate, including Qassim Daoud, Humam Hammoudi, and TNA member Salama al-Khafaji, are pushing for the personal status code, a worrying factor. Active American engagement will help with such key players, she said.

4. (C) Salim briefly analyzed passages in a version of the draft she had received several days prior, noting that federalism is the key remaining issue -- especially for the Sunni Arabs. She dismissed concerns of Kurdish secession, insisting that the Kurds would never leave Iraq because they would be too vulnerable to pressure by Turkey, Syria, and Iran. Additionally, Salim indicated she had heard earlier in the day that the question of allocation of resources had been decided in favor of central government ownership.

5. (C) Salim expressed confidence in the approach the Constitution Committee has taken thus far with respect to freedom of religion. While Islam carries with it

inherent limitations (i.e., under Islamic law, conversion to another religion is a criminal offense), Salim said that the current language proposed for inclusion in the draft constitution supports the rights of Iraq's non-Muslim minority. Her primary concern, which she said the Muslim majority has voiced as well, is that the language also adequately protect individuals from being "coerced" towards a particular political or religious ideology. (NOTE: We have seen language addressing this concern in some drafts, although it does not appear in the most recent full Hammoudi draft. END NOTE.) Salim also noted that the Christian community wants to be mentioned specifically in the constitution, even if that means other religious minorities, such as the Yazidi and the Sabaeans, must be mentioned as well.

16. (C) COMMENT: Salim's assessment of the constitutional drafting process was certainly more positive than it has been in past discussions. She was confident that the deadline would be met and suggested that compromise would be reached on the remaining unresolved issues -- even if it might be painful. She was upbeat about how proposed language for the draft supports freedom of religion and she is already looking for ways to further institutionalize those rights. Although concerned about the future of women's rights, she appeared far less concerned about the role of Sharia' in the constitution than about the inclusion of language regarding the personal conduct code. Clearly, she is seeking a compromise and indicated there are other women, including some on the 169 List, who, like her, are taking a similar, "moderate" position. We talk regularly to the three key persons she mentioned and will keep pressing them and other important drafters vigorously about religious freedom and women's rights. END COMMENT.

17. (U) REOs Hillah, Basrah, Kirkuk, Mosul minimize considered.

Khalilzad